

Minutes of the special meeting of the WADA Foundation Board 15 November 2013, Johannesburg, South Africa

The meeting began at 9.30 a.m.

1. Welcome, roll call and observers

THE CHAIRMAN formally called to order the meeting of the Foundation Board of the World Anti-Doping Agency. The purpose of the Foundation Board meeting was to accept a recommendation from the Executive Committee with respect to the revised Code. Earlier that day, the WADA Executive Committee had recommended that the full Foundation Board adopt the World Anti-Doping Code version 4.0 with the amendments tabled. Before proceeding, he thought it was important to have an explanation of those amendments.

He welcomed Ms Kirsty Coventry to her first meeting, along with Mr Abu Bakar, who was not currently in his seat but would be joining the Foundation Board a little later, and Mr Sakurada.

He distributed the roll call and asked the members to sign it.

The following members attended the meeting: Mr John Fahey, AC, President and Chairman of WADA; Professor Arne Ljungqvist, WADA Vice-Chairman, IOC Member and Chairman of the WADA Health, Medical and Research Committee; Mr Toni Pascual, Chairman, IPC Anti-Doping Committee; Professor Dvorak, representing Mr Joseph Blatter, Member of the IOC, President of FIFA; Mr Patrick Baumann, Member of the IOC, Secretary General, FIBA; Mr Robin Mitchell, Member of the IOC, President, Oceania National Olympic Committees; Mr Richard Pound, IOC Member; Mr Patrick Chamunda, IOC Member; Mr Eduardo Henrique de Rose, President, PASO Medical Commission; Sir Craig Reddie, Vice President of the IOC, Mr Andrey Kryukov, Executive Board Member, Kazakhstan National Olympic Committee; Mr Tamas Ajan, Member of the IOC, President of the IWF; Professor Ugur Erdener, Member of the IOC, President, World Archery; Dr Richard Budgett, representing Mr Francesco Ricci Bitti, President of the ITF and President of ASOIF; Mr Gian Franco Kasper, Member of the IOC, President, FIS; Mr Anders Besseberg, President of the IBU; Ms Claudia Bokel, IOC Member and IOC Athletes Commission Chair; Mr Adam Pengilly, IOC Member and IOC Athletes Commission Member; Ms Beckie Scott, IOC Member and IOC Athletes Commission Member; Ms Kirsty Coventry IOC Member and IOC Athletes Commission Member; Mr Marc Mathekowitsch, representing Mr Romain Schneider, Minister of Sports, Luxembourg; Mr Leo Varadkar, Minister for

Transport, Tourism and Sport, Ireland; Mr Philippe Muyters, Flemish Minister for Finance, Budget, Work, Town and Country Planning and Sport; Ms Gabriella Battaini-Dragoni, Deputy Secretary General, Council of Europe; Mr Pavel Kolobkov, Deputy Minister of Sport, Russian Federation; Mr Vincent Meriton, Minister of Community Development, Youth, Sport and Culture, Seychelles; Mr Shaw Kgathi, Minister of Youth and Sport and Culture, Botswana; Mr Osama Ghoniem, representing Mr Taher Abou Zeid, Minister of State for Sport, Egypt; Mr Michael Gottlieb representing the US Government; Mr Ole Sorensen, representing Mr Bal Gosal, Minister of State (Sport), Canada; Mr Ernesto Irurueta, President, CONSUDE; Mr Saul Saucedo representing Mr Javier Tejeira, President of CONCECADE; Mr Yoshitaka Sakurada, Minister in Charge of Sports, Japan; Mr Khairy Jamaluddin Abu Bakar, Minister, Youth and Sports, Malaysia; Mr Mohammed Saleh Al Konbaz, President, Saudi Arabian Anti-Doping Committee; Mr Mr Duan Shijie, Vice Minister, State Sport General Administration, China; Mr Andrew Godkin representing Mr Peter Dutton, Minister for Sport, Australia; Justice Warwick Gendall, representing Mr Murray McCully, Minister of Sport and Recreation, New Zealand; Mr David Howman, WADA Director General; Mr Rune Andersen, Standards and Harmonisation Director, WADA; Mr Frédéric Donzé, Director of the European Regional Office and IF Relations, WADA; Mr Rob Koehler, Education and Program Development Director, WADA; Ms Julie Masse, Communications Director, WADA; Dr Alan Vernec, Medical Director, WADA; Dr Olivier Rabin, Science Director, WADA; Mr Olivier Niggli, Legal Director, WADA; Mr Kazuhiro Hayashi, Asia/Oceania Regional Office Director; Ms Maria José Pesce, Latin America Regional Office Director; and Mr Rodney Swigelaar, Africa Regional Office Director.

The following observers signed the roll call: Valérie Fourneyron and Makhenkesi Stofile.

– 1.1 Disclosures of conflicts of interest

THE CHAIRMAN asked if there were any particular conflicts of interest that the members wished to disclose. He noted that this was not the case.

2. 2015 World Anti-Doping Code

THE CHAIRMAN asked Mr Young to provide the members with an explanation and a brief overview of the changes.

MR YOUNG said that, after the publication of version 4.0, the team had continued to receive many comments, a lot of which had been very useful, mostly not substantive but lots of clarifications that had made the document better and clearer, and they had been put in the category of housekeeping items that did not change the substance, and so the members would see in the paper in front of them that one of the things that the team was requesting was the right to make housekeeping changes to version 4.0. That was the same thing that had been done in Madrid, and it made it a better, cleaner document.

There were three matters that were not just housekeeping; they were not of great consequence but, because they were not just housekeeping, they had been presented to the Executive Committee and he would present them to the Foundation Board. The first had to do with article 10.6.3. The idea there was to treat, for purposes of going up in sanctions and going down under article 10.6.3, a positive test, a use case, an evasion case and a tampering case in the same way. One would not want to make it beneficial to an athlete to avoid a potential four-year ban by evading testing or tampering with a sample; similarly, in the unique circumstances of article 10.6.3, which was prompt admission, the evading and tampering ought to be treated in the same way as use and possession.

Second, to deal with the unique circumstance whereby an athlete took a substance out of competition, it was a specified substance and it was not prohibited out of competition so the athlete had done nothing wrong yet, but later tested positive in competition, the suggestion had been that it would be more appropriate that there be a rebuttable presumption that this would not trigger a four-year ban.

Finally, there had been an addition of a comment to the definition of no significant fault to deal with the unique circumstance whereby cannabis was taken out of competition but the athlete ended up with a positive test in competition. Typically, cannabis was used intentionally, but not having anything to do with sport performance it allowed flexibility below the two-year sanction and this simply preserved the status quo with the rules under the 2009 Code.

THE CHAIRMAN asked if there were any questions or comments in respect of the amendments. He saw no requests for the floor so asked the full Foundation Board for its support in accepting the 2015 Code. He suggested that the members signify that acceptance by acclamation. Support indicated by acclamation. The Chairman thanked members for this unanimous support, and thanked Mr Young and Professor Haas for their drafting and guidance throughout the period.

MR YOUNG noted that Professor Haas and he had been in the front during the presentation and the congratulations for the work of the team went to the team, and not to him and Professor Haas. It had been a dream team to work with, and he thought that the same comment would be made by Messrs Cooper and Taylor about the great work done by the WADA staff members on their teams.

THE CHAIRMAN also informed the Foundation Board that there were many out there who had worked on the Code and international standards; it had been a very large exercise and enormous collective wisdom had gone into it to bring about the result that had just been approved.

DECISION

2015 World Anti-Doping Code
approved.

THE CHAIRMAN informed the Board that the Executive Committee had, at its meeting earlier in the day, approved the International Standards.

3. International standards

- 3.1 2015 International Standard for Laboratories (ISL)
- 3.2 2015 International Standard for the Protection of Privacy and Personal Information (ISPPPI)
- 3.3 2015 International Standard for Testing and Investigations (ISTI)
- 3.4 2015 International Standard for Therapeutic Use Exemptions (ISTUE)

4. Any other business

THE CHAIRMAN invited the host minister, Mr Fikile Mbalula, to come forward and accept a gift from WADA for all of the support, generosity of spirit and kindness that Mr Mbalula, his people, the City of Johannesburg and the conference partners had given to the WADA members over the past four days.

The meeting adjourned at 9.45 a.m.

FOR APPROVAL

JOHN FAHEY, AC
PRESIDENT AND CHAIRMAN OF WADA